

MINUTES

The Iron County Comprehensive Planning/Land and Zoning Committee met at the Courthouse on Tuesday, March 18, 2014. The meeting was called to order at 3:00pm by Chairman Kichak. Proper publication of the meeting was established.

Committee members present: Jim Kichak, Jim Lambert, Gerald Luke, John Smith, & George Nasi. Also present was Zoning Administrator Tom Bergman and Joe Pinardi County Board Chairman.

Motion by Lambert/Smith to approve the minutes from 2/18/14; carried 5-0.

Discussion of use of recreational vehicles in Agricultural zoned property – Mike Randall the Iron County Recreational Officer was present to explain what has been done on the property thus far. He presented sheets to the Zoning Committee stating laws and ordinances currently in place regarding ATV and Snowmobile use. Randall explained he had received calls concerning the issue in the Town of Kimball last summer and this winter. At the last call about two weeks ago a decibel reading was taken from the neighbor's property. Officer Randall was unable to get to the property line due to the depth of the snow. There were six or seven machines running. The machines with stock pipes read at a decibel reading under the limit. The machines with modified pipes read at a level of 81 decibels. Officer Randall went over to the property and alerted those that were riding. He informed them that stock pipes were under the decibel reading and they needed to be returned to stock pipes if they would be riding there.

A member of the public asked if there was a way for time limits to be placed. Discussion ensued regarding the powers and ordinances of the Town of Kimball. Smith stated that he will do further research into the Town of Kimball's ordinances. Kichak stated that if they now have received a warning of a decibel level over the limit it is now time they receive citations to state getting this under control.

Pinardi asked why it is not appropriate to amend the ordinance to require a conditional use permit. Bergman explained that this would not affect this issue because the property would be grandfathered in.

A member of the public asked if there could be a limit to the number of recreational vehicles at the property at one time. Bergman explained that, like the limit on hours, would be a town non zoning police power. If the town sets up this type of ordinance the property owners would need to comply. Kichak and Lambert both explained that the town of Mercer has its own ordinances. The Chairman talks with the property owner first and if nothing is done it is given to the Town's attorney. Lambert stated he would see if the Town of Mercer had anything similar to what the Town of Kimball is dealing with and send Mercer's ordinance as an example.

A member of the public asked who gets the ticket if there are multiple offenders at the property, all of the riders or the property owner, how do you make that determination. Randall explained he would need to discuss it with the DA to find the best option.

Bergman explained that in Zoning we need to be careful with the decisions we make and make sure we are doing everything legally. Bergman stated that if the public has specific questions he will take them and discuss them with Corporation Counsel.

A member of the public brought up their interpretation of the ordinance stating that a conditional use is needed if the public is on the property. Bergman explained that each person will have their own interpretation and it needs to be interpreted from a legal standpoint.

Conditional Use Hearing – Scott Downs – Allow the construction of a 36' x 54' accessory building in an RR-1 (Residential Recreation) zoned District, part of Sec. 32, T43N, R3E, Town of Mercer, (site address is 5421N Dul Road). Town board approval was not received. Motion by Luke/Smith to table until Town approval is received; carried 5-0.

Conditional Use Hearing – Mathy Construction – Allow the operation of an asphalt hot mix plant for 10 years in an F-1 (Forestry) zoned District, part of the E ½ of the SE ¼, Sec. 1, T46N, R1E, Town of Kimball, (site address is 7355W US Highway 2). Town approval was received. Motion by Lambert/Nasi to approve; carried 5-0.

Conditional Use Hearing – Frederick and Susan Schellgell – Allow the construction of an 8' x 16' boat shed in an RR-1 (Residential Recreation) zoned District, part of GV Lot 2, Sec. 27, T43N, R3E, Town of Mercer, (site address is 5569N Gade Road). Town of approval was not received due to an improper publication. Motion by Lambert/Smith to table until approval from the town is received; carried 5-0.

Rezone Hearing – David and Tammy Gelden – Rezone from an F-1 (Forestry) zoned District to an R-3 (Rural Residential) zoned District, part of the NE ¼ of the SE ¼, Sec. 19, T44N, R2E, Town of Carey, (site address is Island Lake Road). Town board approval was received. Motion by Luke/Nasi to approve; carried 5-0.

Addition to Section 9.5.4 Access Driveways of the Iron County Land Use Ordinance –

Open public comment: no member of the public spoke on this matter

Close public comment

Lambert/Smith to approve; carried 5-0.

Administrator's Report – Bergman presented a photo of pole barns with dwelling space attached. The Zoning Committee discussed if the conditional use permit is removed from these structures there would be no way to regulate the location and looks. It was

requested the ordinance be kept as is so there is some way to regulate oversize pole barns with dwelling space.

Public comment – None.

Approval of bills – Motion by Lambert/Nasi to approve the bills; carried 5-0.

Next meeting date - April 22, 2014 at 3:00pm.

Motion by Lamber/Nasi to Adjourn.

Approved